upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1516 OF 2003
IN
SUIT NO.1465 OF 2003

Chabilal Jagdev Gupta).. Plaintiff

Versus

Satishchandra B.Shrivastav and others).. Defendants

Mr.G.H. Shukla i/b.M/s.G.H. Shukla & Co. for the Plaintiff.

Ms.Pallavi Ghalsashi for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH APRIL 2006

P.C.:

. The Suit is filed for specific performance by the Plaintiff. On 23rd May 2003, Commissioner was appointed to ascertain the Plaintiff's possession. The Report of the Commissioner indicated that the Plaintiff was in possession of the suit premises. Accordingly, the Court Receiver came to be appointed on 4th July 2003. The Plaintiff has been appointed the agent of the Court Receiver without any royalty. The Plaintiff, therefore, seeks confirmation of the ad-interim relief granted earlier.

2. The learned Counsel for the Defendants states

that in fact the Plaintiff had agreed that the suit premises belonged to the Defendants but had gone back on his word and filed the present Suit. The Plaintiff's belongings were in the suit premises only because the Defendants had permitted the Plaintiff to keep the belongings there till he returned from his native place after seeing his ailing mother. She further submits that no amount has been paid by the Plaintiff to the Defendants. The documents on which basis the Plaintiff claims that he is in possession have not been signed by the Defendants, points out the learned Counsel.

3. In view of the fact that the Commissioner's report has been accepted by the Court where the Plaintiff was found to be in possession of the suit premises and the Court Receiver was appointed, there is no need to disturb that order after three years.

4. Ad-interim relief granted is confirmed. Notice of Motion made absolute in terms of prayer clause (e).